

UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Marco Antonio CARLOS ABUNDIO

Case No. Case: 2:25-mj-30033

Assigned To : Unassigned

Assign. Date : 1/30/2025

Description: CMP USA V. CARLOS
ABUNDIO (DJ)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

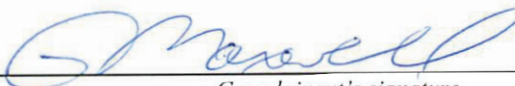
On or about the date(s) of January 28, 2025 in the county of Wayne in the
Eastern District of Michigan, the defendant(s) violated:*Code Section**Offense Description*

8 U.S.C. § 1326(a)

Unlawful Reentry Following Removal from the United States

This criminal complaint is based on these facts:

On or about January 28, 2025, in the Eastern District of Michigan, Southern Division, Marco Antonio CARLOS ABUNDIO, an alien who had previously been removed from the United States on or about October 3, 2018 at or near Laredo, Texas, was thereafter found in the United States without having obtained the express consent of the Attorney General of the United States or the Secretary of the Department of Homeland Security to re-apply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).

☒ Continued on the attached sheet.
Complainant's signature

Joshua Maxwell, Enforcement Officer

Printed name and title

Sworn to before me and signed in my presence
and/or by reliable electronic means.Date: January 30, 2025City and state: Detroit, Michigan

Judge's signature

Hon. Kimberly G. Altman, United States Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT AND ARREST
WARRANT**

I, Joshua R. Maxwell, declare the following under penalty of perjury:

1. I am an Enforcement Officer employed with United States Customs and Border Protection (CBP) within the United States Department of Homeland Security (DHS) at the Detroit Field Office. I have been employed in this capacity for over twenty-four years. During my career as a law enforcement officer, I have been involved in various investigations and arrests concerning the reentry of illegal aliens, and I have received extensive training in this area.
2. This affidavit is submitted for the limited purpose of establishing probable cause in support of a criminal complaint and an arrest warrant for Marco Antonio CARLOS ABUNDIO, a native and citizen of Mexico, for a violation of Title 8, United States Code, Section 1326(a), Unlawful Reentry Following Removal from the United States.
3. The information contained in this affidavit is based upon my personal knowledge and observations, information provided by other law enforcement personnel to include other immigration officials, and database record checks. I have also reviewed records from the official immigration file and system automated data relating to CARLOS ABUNDIO. I have not included every fact known to law enforcement related to this investigation.

PROBABLE CAUSE

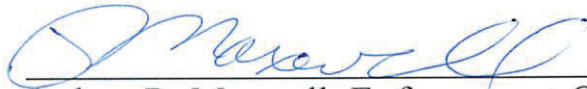
4. CARLOS ABUNDIO is a twenty-seven-year-old native and citizen of Mexico who last entered the United States on an unknown date, at an unknown place, without being inspected and admitted or paroled by an immigration officer.
5. On September 19, 2018, United States Border Patrol arrested CARLOS ABUNDIO at or near Hidalgo, Texas after he entered the United States without having been inspected and admitted or paroled and served him with Form I-860, Notice of Expedited Removal. On or about September 21, 2018, CARLOS ABUNDIO was removed from the United States to Mexico.
6. On September 24, 2018, United States Border Patrol apprehended CARLOS ABUNDIO at or near Hidalgo, Texas and served him with a Form I-871, Notice of Intent/Decision to Reinstate Prior Order.

7. On October 1, 2018, the United States District Court for the Southern District of Texas convicted CARLOS ABUNDIO for Improper Entry, in violation of Title 8, United States Code, Section 1325(a), and sentenced him to time served and a \$10 special assessment. On October 3, 2018, CARLOS ABUNDIO was removed from the United States to Mexico through Laredo, Texas.
8. On October 13, 2022, United States Border Patrol apprehended CARLOS ABUNDIO at or near Naco, Arizona and expelled him from the United States under a COVID-19 public health order implemented pursuant to Title 42, United States Code, Section 265.
9. On October 17, 2022, United States Border Patrol apprehended CARLOS ABUNDIO at or near Naco, Arizona and expelled him from the United States under a COVID-19 public health order implemented pursuant to Title 42, United States Code, Section 265.
10. On January 28, 2025, Customs and Border Protection Officers encountered CARLOS ABUNDIO at the Detroit Fort Street Cargo Facility in Detroit, Michigan after he was refused entry into Canada when making a wrong turn at the Ambassador Bridge.
11. The arrest and subsequent detention of CARLOS ABUNDIO was an administrative, non-criminal action made pursuant to the authority found in sections 1357, 1225, 1226, and/or 1231 of Title 8, United States Code to arrest and detain any alien entering or attempting to enter the United States, or any alien present in the United States, who is reasonably believed to be in violation of any law or regulation regulating the admission, exclusion, expulsion, or removal of aliens.
12. CARLOS ABUNDIO's fingerprints and photograph were captured and entered into the IDENT and IAFIS systems. The fingerprints returned with a positive match for Marco Antonio CARLOS ABUNDIO, a native and citizen of Mexico who had previously been removed from the United States.
13. A review of CARLOS-ABUNDIO's immigration file, record checks, and queries in the U.S. Department of Homeland Security databases confirmed that CARLOS ABUNDIO did not obtain the permission or express consent from the Attorney General or the Secretary of the Department of Homeland Security

to reapply for admission to the United States following his removal on October 3, 2018.

CONCLUSION

14. Based on the above information, I believe there is probable cause to conclude that Marco Antonio CARLOS ABUNDIO is native and citizen of Mexico who has previously been removed from the United States on or about October 3, 2018, at or near Laredo, Texas, and was thereafter found by immigration authorities in the United States, on or about January 28, 2025, in the Eastern District of Michigan, without first having obtained the express consent or permission of the Attorney General or the Secretary of the Department of Homeland Security to reapply for admission to the United States, all in violation of Title 8, United States Code, Section 1326(a).


Joshua R. Maxwell, Enforcement Officer
U.S. Customs and Border Protection

Subscribed and sworn to before me in my
presence and/or by reliable electronic means.



Honorable Kimberly G. Altman
United States Magistrate Judge

Dated: January 30, 2025